

REMARKS

Claims 2, 5, 9, 15, 16 are amended and 1, 3, 4, 6, 7, 13 and 14 are canceled in this response. Thus, claims 2, 5, 8, 9, 15, 16 and 18-22 are currently pending in the present application. Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

Claim Objections

Claim 9 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim's dependency must be in the alternative. Applicants have amended this claim to remove the multiple dependency. This objection is therefore moot.

Claim Rejections Under 35 USC § 103

Claims 1-8, 13-16 and 18-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sato et al., JP 141494 A (hereinafter "Sato") in view of Shibata et al., US 2003/0175121 A1 (hereinafter "Shibata").

Claims 21 and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sato in view of Shibata, and further in view of Takada et al., JP 40116749 A (hereinafter "Takada").

These rejections are respectfully traversed.

Each of independent claims 2 and 5 as amended recites, *inter alia*,

wherein in a case where a pitch of the notches is denoted as S, and a length of each of smooth portions is denoted as M, a rate M/S of the length M of the smooth portions to the pitch S of the notches is set to $0.3 < M/S < 0.8$.

With this arrangement, one aspect of the present invention seeks to reduce noise while at the same time retaining the strength necessary for the impeller.

In the Office Action, the Examiner does not provide prior art that teaches the above-mentioned claimed feature. Sato is completely silent with respect to providing smooth portions between notches. Thus, Sato cannot and does not teach "wherein in a case where a pitch of the notches is denoted as S, and a length of each of smooth portions is denoted as M, a rate M/S of the length M of the smooth portions to the pitch S of the notches is set to $0.3 < M/S < 0.8$ " as claimed

Shibata describes a wind turbine including a blade structure having dentations on a rear part member 16. However, similarly to Sato, Shibata fails to teach or suggest “wherein in a case where a pitch of the notches is denoted as S , and a length of each of smooth portions is denoted as M , a rate M/S of the length M of the smooth portions to the pitch S of the notches is set to $0.3 < M/S < 0.8$ ” as claimed. Thus, Shibata does not remedy the deficiency of Sato.

Since the combination of the cited reference fails to teach or suggest all claim limitations, it is respectfully submitted that the Examiner fails to establish a *prima facie* case of obviousness with respect to claims 2 and 5.

In view of the above remarks with respect to independent claims 2 and 5, it is respectfully submitted that Sato and Shibata do not make the present invention unpatentable. The dependent claims are also patentable for at least their dependency. Thus, it is further respectfully submitted that these rejections should be withdrawn.

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Dennis P. Chen Reg. No. 61,767 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: September 28, 2009

Respectfully submitted,

By 

D. Richard Anderson
Registration No.: 40,439
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant